* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 7256-59/2006**

% Date of Decision: 26th November, 2007

Santosh & Ors. .....Petitioners

! Through Mr. Francis Paul, Advocate along with petitioners in person.

Versus

$ **State of NCT of Delhi & Ors.** .....Respondents

^ Through Mr. O.P.Saxena, APP for the State.

Complainant present in person.

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

The petitioners have filed the present petition under Section 482 Cr.P.C. for

quashing of the FIR NO.689/06 registered under Section 420/34 IPC at police station, Badarpur.

2. The facts of the case are that on 1.7.2005 the petitioners, who are property dealers, sold a piece of land measuring 40 square yards situated at Roshan Nagar, Village Agvanpur, District Faridabad, Haryana at the rate of Rs.1500/- per square yards payable in the monthly instalment of Rs.2000/- to the complainant Mohd. Afzal, who after paying two instalments constructed one room and one latrine-cum-bathroom but the same were subsequently demolished by Faridabad Municipal Corporation in January 2006. On the complainant lodging a complaint with the petitioners regarding demolition of the construction raised by him by Faridabad Municipal Corporation, they constructed one room on the aforesaid plot. However once again, that construction was demolished by the Municipal Corporation. Thereafter, the complainant not only stopped paying the installments but also demanded back his money from the petitioners who refused to return the amount paid by the complainant to them. Then the complainant lodged a complaint against the petitioners. It was his grievance that he had been cheated by the petitioners of Rs.9000/- which he had paid to them in installments towards the price of the plot and as a result of cheating he had also been deprived of Rs.45,000/- approximately which he had spent on construction on the plot which the petitioners had sold to him.

3. When the matter was still under investigation, the complainant and the

petitioners arrived at some settlement and resolved their disputes amicably and thereafter the petitioners-accused filed the present petition for quashing of the aforesaid FIR registered against them at the instance of the complainant. On 10.9.2007, the petitioners as well as complainant, who was identified by the counsel for the petitioners, appeared in person in court and all of them affirmed that the matter had been amicably settled. The complainant has filed his affidavit also to that effect.

4. Since the only offence alleged to have been committed by the petitioners was under Section 420 IPC, learned APP for the State had nothing to say in the matter because of the aggrieved person having settled the dispute with the accused person who had cheated him.

5. It is now well settled that if it is felt by High Court while dealing with a quashing petition under Section 482 Cr.P.C. that it would secure the ends of justice if the FIR in question is quashed then FIR can be quashed. So, since in this simple case of cheating, the victim and the accused persons having arrived at an amicable settlement no useful purpose would be served by allowing continuation of investigation by the police and if the FIR is not quashed in the aforesaid circumstances it would amount to abuse of process of law by unnecessarily giving a chance to the police to file a charge sheet against the accused persons and to force them to face criminal proceedings despite their having settled the matter with the complainant. Accordingly, FIR No. 689/06 registered under Section

420/34 IPC at police station Badarpur is quashed.

November 26, 2007 **P.K.BHASIN,J**